

III. Remarks

The Applicant has noted the objection in the Advisory Action to the most recent response to office action because the response was titled, “RESPONSE TO NON-FINAL OFFICE ACTION.” The Applicant submits that the title should have been, “RESPONSE TO FINAL OFFICE ACTION.” The status of the claims is set forth in the above listing of the claims. Claims 1-24 are cancelled and claims 25-46 are new. Claims 25-46 were added and are directed to subject matter contained in the specification. No new matter was added. Since claims 1-24 were cancelled, the rejections asserted in the Office Action are now moot. New claims 25-46 are patently distinct from U.S. Patent No. 5,252,537 (“DeWinter-Scaileteur”) and U.S. Patent No. 5,677,019 (“Carstairs et al.”).¹ The Advisory Action asserts that the Applicant has not shown the significance of three dehydration steps as opposed to one dehydration step and maintains that *DeWinter-Scaileteur* teaches two dehydration steps. With respect to the evaporation step, the Advisory Action asserts that *Carstairs* teaches an evaporation step at column 5, lines 30-41. The Applicant respectfully disagrees and respectfully requests a continuation of prosecution and allowance of all pending claims.

IV. Arguments

New independent claim 25 recites a method for preserving flowers comprising first, second, and third “dehydrating steps... comprising filling the supporting device with flowers;” “placing the supporting device into a reactor;” “filling the reactor with a [] mixture until the flowers are substantially immersed in the [] mixture, the [] mixture comprising a first water-miscible solvent and water, wherein the first water-miscible solvent comprises more than [a certain percentage, depending on the first, second, or third step] of the first mixture;” “maintaining the first mixture at a temperature between approximately room temperature and 100°C for the time period, the time period comprising approximately at least thirty minutes;” and “extracting the first mixture from the reactor”. As discussed in the previous response to office

¹ See *Office Action*, Page 2-4.

action, the Applicant respectfully disagrees that *DeWinter-Scailteur* teaches two dehydration steps. Assuming *arguendo* that *DeWinter-Scailteur* does teach two dehydration steps, the Applicant submits that this reference does not teach the three dehydration steps taught in the present claims. Three dehydration steps, as opposed to one or two, allow for a substantial removal of the soluble natural substances, allowing for a better preservation process.² Also, because the soluble natural substances are substantially removed, the flowers obtained using this process last longer.³ In addition, the cost is three times lower because the alcohol resulting from the third step may be used in the second step of another batch and the alcohol resulting from the second step may be used in the first step of another batch. Thus, performing the dehydration in three-steps results in lower cost, greater efficiency, lower environmental impact, and better results than can be obtained in one-step.

Independent claim 25 also recites, “implementing an evaporation step, the evaporation step comprising the bath mixture being substantially removed from the flowers and the fourth mixture being substantially evaporated in a vacuum or by applying an evaporating temperature.” With respect to the evaporation step, the Applicant respectfully disagrees that *Carstairs* teaches “an evaporation step... comprising... the fourth mixture being substantially evaporated in a vacuum or by applying an evaporating temperature” in column 5, lines 30-41. Applicant submits that *Carstairs* column 5, lines 30-41 discusses insignificant evaporation as a result of the temperature used during the process— i.e., as a result of the temperature used, *few* of the components may evaporate from the aqueous media. Conversely, independent claim 25 teach an evaporation step wherein the “fourth mixture [is] substantially evaporated in a vacuum or by applying an evaporating temperature.” If effect, the fourth mixture is substantially evaporated.

² See, para. 67, “After this time, virtually all of the water initially contained in the flowers has been replaced by an alcoholic solvent, with dehydration causing no change in the flowers shape, as its structure remains intact.”

³ See, para. 1, “The flowers obtained using the process of the present invention last longer as they are not impaired by microorganisms since water contained in cells has been replaced by other substance(s) thus inhibiting microorganism growth.”

In contrast, *Carstairs* merely teaches drying the surface liquid from the plant material under mild conditions with insignificant evaporation occurring as a side effect.⁴ Thus, *Carstairs* does not teach the evaporation step taught in independent claim 25.

The Advisory Action also asserts that *Carstairs* column 5, lines 30-41 discuss evaporation and that this can be considered a dehydration step. Applicant respectfully submits that evaporation and dehydration do not constitute the same process nor can be considered the same. Evaporation is defined as, “the change of a liquid into a vapor.”⁵ Dehydration is defined as, “the removal of water from a compound.”⁶ Thus, Applicant submits that both expressions do not refer to the same process since one contemplates water removal and the other contemplates the transformation from a liquid into a vapor under specific conditions. Consistent with this understanding, independent claim 25 teaches an evaporation step in which a “fourth mixture [is] substantially evaporated in a vacuum or by applying an evaporating temperature.”

For at least the above reasons, Applicant respectfully submits that independent claim 25 is allowable under 35 U.S.C. § 103. Dependent claims 26-47 depend from independent claim 25. Since these claims further limit a patentably distinct independent claim, the dependent claims are allowable on that basis as well as based on the additional patentably distinct limitations that they provide.

Applicant also would like to note that this patent has been granted in Europe under the patent number 1614350 and in Colombia under the patent number 28878.

V. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. If any additional fees are required to complete this filing, or if an overpayment has occurred, the Commissioner is authorized to charge or credit

⁴ See, *Carstairs*, col. 5, line 51-53.

⁵ See, *The American Heritage Science Dictionary*, 2005 p. 220, ISBN-13: 978-0-618-45504-1, ISBN-10: 0-618-45504-3.

⁶ See, *id.*, 1992 p. 603, ISBN 0-12-200400-0.

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such amount to Deposit Account No. 13-0480, referencing Attorney Docket No. 09163000.110000. The Examiner is cordially invited to contact the undersigned Attorney of Record if such would expedite the prosecution of this Application.

Respectfully submitted,

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